

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Darrin Lawyer,	)	
	)	Civil Action No. 6:07-1798-CMC-WMC
Plaintiff,	)	
	)	
vs.	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
	)	
Tom Fox, Director of J. Reuben Long	)	
Detention Center; and Phillip	)	
Thompson, Horry County Sheriff,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On February 11, 2008, the defendants filed a motion for summary judgment. On February 12, 2008, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), an order was mailed to the plaintiff's last known address (J. Reuben Long Detention Center, 4150 J. Reuben Long Ave., Conway, SC 29526) advising him of the summary judgment procedure and the possible consequences if he failed to respond adequately. The envelope containing this order was returned to the court as the plaintiff is apparently no longer incarcerated at J. Reuben Long Detention Center. A check of the South Carolina Department of Corrections records does not indicate the plaintiff has been incarcerated within that system.

The record reveals that the plaintiff was advised by order dated September 11, 2007, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

February 27, 2008  
Greenville, South Carolina

s/William M. Catoe  
United States Magistrate Judge